

Tinjauan hukum terhadap penanaman modal asing di pulau-pulau kecil berdasarkan undang-undang nomor 1 tahun 2014 tentang perubahan atas undang-undang nomor 27 tahun 2007 tentang pengelolaan wilayah pesisir dan pulau-pulau kecil = A legal analysis of foreign direct investment on small islands in indonesia based on law of the republic of indonesia number 1 of 2014 about the changes to the law number 27 of 2007 on management of coastal areas and small islands

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Abstrak

Potensi kawasan pesisir dan pulau-pulau kecil Indonesia sangat menarik bagi investor asing untuk menanamkan modalnya di Indonesia. UU No. 1 Tahun 2014 tentang Perubahan Atas UU No. 27 Tahun 2007 tentang Pengelolaan Wilayah Pesisir dan Pulau-Pulau Kecil membuka kesempatan penanaman modal asing di pulau-pulau kecil dan pemanfaatan perairan di sekitarnya dengan persyaratan tertentu dan izin Menteri Kelautan dan Perikanan. Tesis ini membahas kepastian hukum penanaman modal asing di pulau-pulau kecil berdasarkan UU No. 1 Tahun 2014. Penelitian yang menggunakan metode yuridis normatif ini, menyimpulkan bahwa, dibukanya kesempatan penanaman modal asing di pulau-pulau kecil berdasarkan UU No. 1 Tahun 2014 perlu dukungan aturan pelaksana undangundang tersebut khususnya terkait perizinan, karena implementasi perizinan PMA di pulau-pulau kecil belum optimal. Sebelum berlakunya UU No. 1 Tahun 2014, sudah terdapat investor asing yang menjalankan usaha pemanfaatan pulau-pulau kecil dengan hanya memiliki izin prinsip dan izin usaha, ataupun perjanjian dengan pemerintah daerah. Di sisi lain, adanya calon-calon investor asing yang berminat berinvestasi di pulau-pulau kecil, memerlukan kepastian hukum untuk melaksanakan ketentuan penanaman modal asing di pulau-pulau kecil sebagaimana dipersyaratkan dalam UU No. 1 Tahun 2014.

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Indonesian coastal areas and small islands are very potential assets to attract foreign investors to make investment in Indonesia. Law of The Republic of Indonesia Number 1 of 2014 about The Changes to The Law Number 27 of 2007 on Management of Coastal Areas and Small Islands gives opportunities to foreign direct investment on small islands and their surrounding waters, with certain requirements and permits from the Minister of Marine Affairs and Fisheries. This Thesis elaborates the legal certainty of foreign direct investment on small islands governed by Law of The Republic of Indonesia Number 1 of 2014. The study which used a normative juridical method suggested that the emerging opportunities of foreign direct investment on small islands governed by Act 1 of 2014 needs to be supported by the implementing rules of the Law, particularly those related to the licensing, since the implementation of foreign direct investment licensing on small islands is not yet optimal. Prior to the enactment of The Law of The Republic of Indonesia Number 1 of 2014, there had already been foreign investors doing their business on the utilization of small islands using only "principle licenses" and "business licenses", or agreements with local governments. On the other hand, the emerging interest of prospective foreign investors to invest on small islands needs a legal certainty for their continuing process to comply with the provisions of foreign direct investment on small islands as required by the Law Number 1 of 2014.